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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,603	03/30/2001	Guojun Zhou	42390P10779	1244

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EXAMINER

SHANG, ANNAN Q

ART UNIT PAPER NUMBER

2623

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,603

Applicant(s)

ZHOU, GUOJUN

Examiner

Annan Q. Shang

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 07/24/06 have been fully considered but they are not persuasive.

With respect to claims 1-31 rejected under 103(a) as being unpatentable over **Griggs (2002/0029384)** in view of **Ellis et al (6,774,926)**, applicant discusses the disclosure of the prior arts of records, Griggs in view of Ellis and further argues that, "the office action misconstrues the disclosure of Ellis, and in fact, the combined references fail to disclose the at least applicant's recited claimed limitation of 'the custom channel created by the customer.'"

In response, Examiner disagrees. Examiner notes applicant's argument, however, applicant's abstract and disclosure states that, "to create a custom channel, a customer selects one or more television programs using a customer interface and submits the selected television programs via the customer interface to a broker. The broker receives the selected television programs from one or more content providers and transmits the custom channels to the customer..." (see abstract and [0023-24], [0027], [0036-0037] of applicant's disclosure 2002/0144279). Griggs discloses (see abstract) a system server (a broker), which stores user accounts, monitors program availabilities (PPV, unrestricted programs, etc.), displays program availabilities to a user via a menu interface (page 2, [0025-0030], [0048-0050]) and generates customized program schedules and list of services for the user with an estimated cost for the program schedule and services based on user criteria which includes user

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preferences ([0037-0040]) and furthermore establishes a communication channel for broadcasting of the program to a specific user location ([0047], [0053] and [0064]).

Griggs is silent to a custom channel(s) created by the customer, a deficiency which is disclosed in Ellis which permits a viewer or contributor to create a personal channel(s) by permit an individual or contributor to create a video programming for personal television channels via a server (col.4, line 6-col.5, line 23) or by using an interactive program guide transmitted to the user's TV equipment, and permitting user(s) to interact (search) to select programs, channel(s), actors, etc., to create a personal channel(s) or favorite channel(s) via a server (col.13, line 29-col.14, line 12 and line 24-51), which meets the claimed limitation, i.e., "the custom channel created by the customer."

Hence, applicant's arguments are not persuasive, the 103(a) rejection of claims 1-31, meet all the claimed limitation, maintained and repeated below. **This Office Action is made Final.**

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Griggs (2002/0029384)** in view of **Ellis et al (6,774,926)**.

As to claims 1-3, note the **Griggs** reference figures 1-5, discloses mechanism for distributing content data and further discloses a method comprising:

providing access to television programming to enable a customer of a broker (figs.1-5, System Server 'SS' 105, 125, 207, etc, page 2, [0028-0031] and [0033-0034]) to create a custom channel (channel including customized program schedules) including at least one television program selected from the television programming (page 3, [0036-0038], [0041-0044] and [0046-0050]), note that SS-105 stores users' preferences and accounts;

receiving at the broker input from the customer to create the custom channel; and transmitting from the broker to the customer the custom channel including the at least one television program (page 3, [0036-0038], [0041-0044] and [0046-0050], [0052-0055] and [0064-0065]) and further teaches encrypting the broadcast (page 4, [0047-0048]).

Griggs further teaches where the System Server establishes a communication channel with a user and streams broadcast programs, live or pre-ordered, with respect to a user specified locations as indicated in the user's preferences, but fails to explicitly teach where the custom channel is create by the user.

However, note the **Ellis** reference figures 1-2, discloses personal television channel system, which permits a viewer or contributor to create a personal channel(s) and where a server transmits personal channel(s) and data as indicated by the viewer via cable network or satellite (figs.1, 8-14, col.2, line 57-col.3, line 29, line 55-col.4, line

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4, line 59-col.5, line 22, col.9, line 61-col.10, line 33, col.13, line 29-col.14, line 12 and line 24-51).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ellis into the system of Griggs to allow a user to have control of the broadcast channel(s) by indicating to the System Server or the Service Provider, a preferred channel to transmit the requested program(s) of interest.

As to claims 4-5, Griggs further discloses providing access to TV programming comprises providing at least one access code to the customer and assigning an access level to the at least one access code (page 3, [0035], [0038-0042] and [0045-0048]).

As to claims 6-7, the claimed "a method comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claims 1-3 above.

Claim 8 is met as previously discussed with respect to claims 4-5.

As to claims 9-10, the claimed "a method comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claims 1-3.

Claim 11 is met as previously discussed with respect to claims 4 and 5.

As to claims 12-14, the claimed "a method comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claims 1-3.

As to claim 15, the claimed "a method comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

As to claim 16, Griggs further discloses where the viewer selects from the listing of available television programming a second television program, selecting a second time for viewing the second television program, the second time delayed relative to a scheduled broadcast time for the second television program, and adding the second television program and the second time to the custom channel (page 3, [000034-0036], [0039-0043] and [0045-0047]).

As to claim 17, Griggs further discloses where selecting from the listing of available television programming a second television program, selecting a second time for viewing the second television program at least partially coinciding with the selected time for viewing the at least one selected television program, and adding the second television program and the second time to another custom channel (page 3, [000034-0036], [0039-0043] and [0045-0047]).

As to claims 18-20, the claimed "a method comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claims 1-3.

As to claim 21, Griggs further discloses recordable digital video (Disk/local Storage) "video storage medium" couple to the receiver to receive and store television programming (page 5, [0053-0060]).

Claim 22 is met as previously discussed with respect to claims 1-3.

As to claim 23, Griggs further discloses an access circuitry coupled to the customer interface, for receiving and verifying a viewer access code (page 3, [0035], [0038-0042] and [0045-0048]).

As to claims 24-27, the claimed "a system comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claims 1-4.

As to claims 28-30, the claimed "an article of manufacture, comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claims 1-3.

As to claim 31, Griggs further discloses where the access level identifies at least one category of TV programming the customer is prohibited from accessing (page 4, [0045-0048]).

Conclusion

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

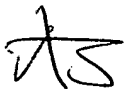
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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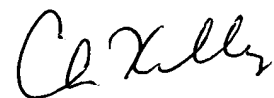
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.



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